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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
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| 10/816,316 04/02/2004 | | Charles A. Walton | ID154 | 9125 | |
| 7590 03/31/2006 | | | EXAMINER | | |
| Robert Charle | s Hill | LOBO, IAN J | | | |
| 235 Montgome | ry Street #821 | | | · · · · - | |
| San Francisco, CA 94104 | | | ART UNIT | PAPER NUMBER | |
| • | | | 3662 | | |

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| 1)⊠ Responsive to communication(s) filed on 16 March 2006. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)♡ Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) | | | | Application No. | Applica | ant(s) | | | | |
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| In J. Lobo 3662 | | | 10/816,316 | WALTO | WALTON, CHARLES A. | | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of the many be available under the provision of 37 CRT 1:810, In no event, however, may a recipit be timely filled. If NO pellod for reply is specified above, the maximum station proteind will apply said wit expire SIX (8) MONTHS from the mailing date of this communication. Failur to reply within the sid or sciented pellod for reply is specified above, the maximum station proteind will apply and wit expire SIX (8) MONTHS from the mailing date of this communication, even if firms (9) filled, may reduce any eventre plants that the mailure mailure in allocinums. Set 7 CRT 1:04(6): Status 1) □ Responsive to communication(s) filled on 16 March 2006. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) □ Claim(s) 1-14 is/are allowed. 6) □ Claim(s) 1-14 is/are allowed. 7) □ The drawing(s) filed on is/are rejected. 7) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Application requires that any objection to the drawing(s) be held in abevance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Application Papers 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) □ All b) □ Some * c) | | Office Action Summary | | Examiner | Art Uni | t | | | | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of lines may be available under the provisions of 37 CFR 1.35(a). In or event, however, may a may be timely filed. - Extensions of lines may be available under the provisions of 37 CFR 1.35(a). In or event, however, may a may be timely filed. - If NO period for reply is specified used down, the maximum attailutory pointed wiley pay and will expire (x) (8) MONTH's filem the making date of this communication, even if lines if the making date of this communication, even if lines if filed the provision is the control of the communication, even if lines if filed the provision is inconficial. 1) □ Responsive to communication(s) filed on 16 March 2006. 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2c) □ This action is FINAL. 2c) □ This action is FINAL. 2d) □ This action is file the action of a diameter is a closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 □ □ Claim(s) 1.14 is/are pending in the application. 4a) □ Claim(s) 1.14 is/are allowed. 5 □ □ Claim(s) 1.14 is/are allowed. 6 □ □ Claim(s) 1.14 is/are allowed. 6 □ Claim(s) 2.15 is/are objected to. 2 □ Claim(s) 2.15 is/are objected to by the Examiner. 10 □ The drawing(s) filed on is/are: allowed. 2 □ Claim(s) 1.15 is/are allowed. 11 □ The oath or declaration is objected to by the Examiner. Note th | | | | lan J. Lobo | 3662 | | | | | |
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| a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 1. Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 1. Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | Priority u | ınder 35 U.S.C. § 119 | | | | | | | | |
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DETAILED ACTION

Applicant's election without traverse of claims 1-14 in the reply filed on March 23,
 acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, there is no antecedent for "said burrow".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1, 2, 4, 5, 6 and 10-14 rejected under 35 U.S.C. 102(b) as being anticipated by Meehan ('064).

Per claim 11, Meehan discloses a method for locating hidden animals (mice) in which sensors (1) sense a characteristic (col. 2, lines 49-53) of the animal and report to external equipment (4) the magnitude of the characteristics.

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Per claims 12 and 13, see col. 3, lines 11+.

Per claim 14, see step 27 of Fig. 4.

Per claims 1 and 10, see Fig. 1.

Per claim 2, see col. 2, line 51.

Per claim 4, mice read upon the claimed "animals who typically create nests in the ground".

Per claim 5, see recording means (4).

Per claim 6, see claims 3 and 5 of Meehan

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meehan ('064) in view of Dye ('746) or Jan ('594).

The difference between claim 3 and Meehan is the claim specifies that the probes "are in the form of stakes". Meehan does not disclose that the sensors are "in the form of stakes".

Dye and Jan each disclose rodent or mole chasers that are "in the form of stakes" capable of being driven into the ground. Using such stake-like structures provides greater securing of the sensors to the ground structure. Therefore, in view of

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Dye or Jan, it would be obvious to one of ordinary skill in the art to have modified Meehan to include the sensors in the form of stakes capable of being driven into the ground so as to provide greater securing for the sensor to the ground.

Claim Objections

8. Claim 9 is objected to because of the following informalities: On line 1, after "carries" the word "as" should be deleted. Appropriate correction is required.

Allowable Subject Matter

- 9. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian J. Lobo whose telephone number is (571) 272-6974. The examiner can normally be reached on Monday Friday, 6:30 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on (571) 272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lan J. Lobo

Primary Examiner Art Unit 3662
